REMARKS

Claims 1, 11, 16, 25-27, 29-32 and 34-49 remain in the application.

Claims 11, 16, 29, 30 and 36-46 are allowed.

Claims 3, 28 and 33 were indicated to be allowable subject to being rewritten in independent form, and have been rewritten as claims 47, 48 and 49.

The allowed and allowable claims are 11, 16, 29, 30 and 36-49.

The claims remaining for consideration are claims 1, 25-27, 31, 32, 34 and 35.

Claims 1, 25-27, 31, 32 and 34 were rejected under 35 U.S.C.§102(b) on Japanese Patent No. 5-276632 to Nakazawa.

Claim 1 has been amended to recite the spring legs as having reversely curved free end portions. Claim 1 also now recites the distance between the form surfaces as being less than the distance from the box open end to the reversely curved end portions so that the spring legs are under bending stress when the box is positioned between the form surfaces.

Nakazawa does not have reversely curved free end portions and does not have spring legs. Nakazawa attaches his legs to reinforcing bars with ties as indicated in Figure 2, and relies on a bolt 90 to pull the open end of the box against a form surface to prevent ingress of poured concrete. In this application, the biasing force of the spring legs holds the open end of the box against the form surface to prevent ingress of concrete. The reversely curved end portions on the spring legs allow the end portions to slide parallel to a form surface with which they are engaged.

Claims 25-27 now recite the spring leg members as being made of a material that returns to its original configuration when deflected. Nakazawa has bendable legs that remain in their bent position. Nakazawa does not disclose or suggest spring legs that resiliently bias the box into engagement with a form surface. Claims 25-27 also recite the reversely curved spring leg

end portions that allow the legs to freely slide parallel to a form surface when the box and spring leg assembly is inserted between two form surfaces.

Claim 31 includes the claim 1 recitation of the spacing between the form surfaces relative to the distance between the box open end and the free end portions of the legs so that the spring legs are under bending stress. Claim 31 also recites at least one bendable strap attached to the box in addition to the recited plurality of spring legs. Nakazawa does not disclose or suggest both spring legs and at least one bendable strap.

Claim 32 recites the spring legs as being defined by a pair of separate and independent spring members. Nakazawa has a single support member with four integral legs. Claim 32 recites the pair of separate and independent spring members as having attachment portions attached to the box in perpendicular overlying relationship to one another. Nakazawa does not have attachment portions that overly one another and does not have overlying attachment portions that extend perpendicular to one another.

Claim 34 includes the recitation of claims 1 and 31 wherein the spacing between the form surfaces is less than the distance from the box open end to the spring leg free end portions so that the legs are under bending stress to bias the box open end against the form surface. Nakazawa does not disclose or suggest such an arrangement. Nakazawa relies on a bolt 90 to hold the box open end against a form surface.

Claim 35 was rejected under 35 U.S.C.§103(a) on Nakazawa. Claim 35 recites the reversely curved bifurcated spring leg end portions as shown at 90, 90a, 90b and 93, and at 92, 92a, 92b and 95 in FIGS. 13 and 14. This advantageous arrangement significantly reduces the area or footprint of a spring leg end portion that is exposed at the surface of a finished concrete wall when the forms are removed as disclosed in lines 22-24 on page 6. The Examiner's

contention that the specification and evidence of record fail to attribute any significance to the shape is entirely lacking in merit. Nakazawa does not engage his strap ends with a concrete form surface, and there is no reason why a person of ordinary skill in the art would bifurcate the Nakazawa leg end portions as claimed for the purpose disclosed in the specification.

In the absence of more pertinent art, this application is now in condition for allowance and an early notice to that effect is earnestly solicited.

Respectfully submitted,

H. Duane Switzer
Reg. No. 22,431
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114-1190
216-586-7283

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